

U.S. Department of Labor Request for Information on Child Labor and Forced Labor

SECTION I: WORST FORMS OF CHILD LABOR

This request for information will contribute to the U.S. Department of Labor's (USDOL) twelfth annual report under the Trade and Development Act of 2000, to be published in September 2013. The following questions outline the types of information USDOL includes in this report. Please review your country's 2011 profile available at: <http://www.dol.gov/ilab/programs/ocft/2011TDAbyCountry.htm> . **You do not need to respond to all questions, only those that address gaps in information, areas requiring clarification, or updates for the period January-December 2013.** For definitions and terms used for USDOL's reports, please see the "DEFINITIONS" section at the end of this request.

A: INFORMATION REQUESTED

ASSESSMENT

USDOL welcomes any corrections, additions, feedback, or updates relevant to the assessment made in the 2011 report regarding your country's advancement in efforts to address the worst forms of child labor. Please see attached, "Appendix II: TDA Criteria and Corresponding Guidance Questions," which contains the list of questions that will be considered in making assessments for 2012. These questions cover the same topics as those covered in the request for information below.

1) PREVALENCE AND SECTORAL DISTRIBUTION OF THE WORST FORMS OF CHILD LABOR:

Please respond to gaps in information or areas requiring clarification noted in this section of your country's 2011 TDA profile, and provide any updates for 2012.

1. In what sectors or activities were children involved in worst forms of child labor? Examples include hazardous work in broad sectors such as agriculture or construction; street work or domestic service in third party homes; commercial sexual exploitation of children; and use of children in illicit activities such as forced begging or drug trafficking.

Identified employees working in inspected private entities are in total 103 children.

Respectively their age corresponds:

15 years	identified 2 children
16 years	identified 12 children or 11.6% of the total
18 years	identified 28 children or 27.1% of the total

Activities where these children are focused are:

Manufacturing enterprise	76.6% respectively <u>79 children</u> .
Where: Shoe samplers	25.3% of children evidenced in manufacturing enterprises.
Confections	21.3% of children evidenced in manufacturing enterprises.
Fish refinement	53.3% of children evidenced in productive enterprises.
Telecommunications	19.4% 20 children evidenced
Trade	2 children evidenced
Other activities	2 children evidenced

Education

9-year education	<u>68 children</u> or 68%.
General secondary education	<u>32 children</u> or 31.1%.
Without education	<u>3 children</u>

Children evidenced during inspections results:

- 100% of evidenced children at work with medical examination.
- 100% of evidenced children at work are not seasonal at work.
- 87.4% of evidenced children are taken at work with the authorization of SLISS and the rest past are in process as a result of the tasks given in act-inspection.
- 89.3% of evidenced children are insured, for the rest, are notified the competent authorities to take measures regarding their involvement in the social insurance scheme.

Children evidenced during inspections by gender:

Children identified in the work result to be mostly girls or in other words, girls represent 79.6% of evidenced children.

From the available data in the agriculture and construction sectors from the inspections carried out during January-November 2013 was not found any employee under 18 years.

2. Did the government collect or publish data on exploitive child labor during the period? If so, is the government willing to share the raw data (“data set”) with USDOL for further analysis?

In the periodic report as well as annual reports made by SLISS (State Labour Inspectorate and Social Services) are provided data on employment of children.

Also in the DCM No. 267 , dated 12.04.2012 "For types , ways of sharing information and statistical data requested by the agency and by the responsible state structures at central and local level "

The DCM on child indicators clearly defines the type of sources and statistical data to be collected by the State Agency for Protection of Children and CPU in regions. Among

other indicators data on children's informal labour are collected according to age-group, gender and districts about their presence in informal workplaces, fines for businesses employing children, accidents at work, worst forms of child labour and number of children in informal labour according to district.

2) LAWS AND REGULATIONS ON THE WORST FORMS OF CHILD LABOR:

Please respond to gaps in information or areas requiring clarification noted in this section of your country's 2011 TDA profile, and provide any updates for 2012.

1. What, if any, **new** laws or regulations were enacted during the reporting period in regard to the worst forms of child labor? Relevant laws would include those that pertain to the minimum age for employment, minimum age for hazardous work, prohibition of hazardous work activities to children (including a list of prohibited occupations/activities), age to which education is compulsory, guarantee of free education, minimum age for military recruitment, and laws prohibiting engagement of a child in forced labor, trafficking, prostitution, pornography, or use of a child for illegal activities (including drug trafficking). Please name each law and list date enacted, and if available, provide a copy of the legal text.

For the purpose of implementation of the Law No 10237 of 18.02.2010 "On Safety and Health at Workplace", the following legal acts are approved:

- Decision of Council of Ministers No 562 of 3.7.2013 "On the approval of the Regulation "On minimum safety and health requirements for the use of personal protective equipments at the workplace" approximating Albanian law with the Council Directive 89/656/EEC of 30 November 1989 on the minimum health and safety requirements for the use by workers of personal protective equipment at the workplace (third individual directive within the meaning of Article 16 (1) of Directive 89/391/EEC);
- Decision of Council of Ministers No 563 of 3.7.2013 "On the approval of the Regulation "On the minimum safety and health requirements for the use of work equipments at workplace" approximating the Directive 2009/104/EC of the European Parliament and of the Council of 16 September 2009 concerning the minimum safety and health requirements for the use of work equipment by workers at work (second individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC);
- Decision of Council of Ministers No 564 of 3.7.2013 "On the approval of the Regulation "On minimum safety and health requirements for the workplace" approximating the Council Directive 89/654/EEC of 30 November 1989 concerning the minimum safety and health requirements for the workplace (first

individual directive within the meaning of Article 16 (1) of Directive 89/391/EEC).

The second package of Directives, under the responsibility of Ministry of Health, was rather complex and resulted in the drafting of nine separate regulations: concerning on the minimum health and safety requirements regarding the exposure of workers to the risk related to chemical agents at work; carcinogens or mutagens at work; biological agents at work; physical agents (noise, vibration); electromagnetic fields; artificial optical radiation; the manual handling of loads; display screen equipment. The final documents are expected to be submitted by mid April 2014.

In total, five draft decisions of Council of Ministers are going to be prepared by mid 2014, concerning the minimum requirements for improving the safety and health protection of workers:

- in the mineral-extracting industries through drilling;
- in surface and underground mineral-extracting industries;
- work on board fishing vessels;
- potentially at risk from explosive atmospheres;
- work of pregnant workers and workers who have recently given birth or are breastfeeding.

In all those regulations are provided a series of provisions for the protection of young people at work.

MSWY continues to be in consultation process in cooperation with ILO experts for the drafting of draft decisions of the Council of Ministers as follows:

1 - Draft - DCM "On the list of occupational diseases"

2 - Draft - DCM "On the way of functioning of medical services at work, including the norms, rules and procedures to provide medical control for admission to work and periodic control of employees"

3 -Draft - DCM "On the rules, tasks, equipment and medication which should be provided a structure of medical health service in the enterprise"

4 - Draft- DCM "On the definition of rules, procedures and types of medical screening tests, to be performed depending on the work- perform of employee"

where in specific a articles are provided specific measures that should take the employer, in consultation with the doctor of enterprise to insured for children employees a special medical monitoring, and conducting medical tests twice in a year.

Proposal of Labour Code Amendments is still in consultation process with interest groups in accordance with New Government Programs. The draft- proposals are as follows:

Article 98 “The minimum age” The age of 14 shall become 15 years in the entire article. This is an important amendment to harmonize Directive 94/33/EC on the protection of young people at work (article 4).

Paragraph 1: children between the ages of 15-16 may be employed during their school holidays, provided that this employment does not harm their health and development.

Paragraph 2: young persons under the age of 14 years engaged in vocational training activities or orientation are subject to rules defined by decree. According to section 3 of Decree No. 384, as amended by Decree No. 205 of 2002, minors under 14 years of age may be engaged in the vocational training system under authorization of the State Labor Inspectorate, which means that they can be engaged in practical internships. However Article 6 of the Minimum Age Convention, 1973 (No. 138), authorizes work to be carried out by persons aged at least 14 years in enterprises within the context of an apprenticeship program. The Draft increases from 14 to 15 years the minimum age of becoming subject to vocational advice and training. At the same time, the Office recommends the Government to adjust by-laws to this amended provision.

Paragraph 2 of Article 99 provides that light work will be determined by a decree, which will also determine the maximum working hours and may regulate working conditions. However no regulations have been issued pursuant to the Article 99. As according to Article 7, paragraph 3, of the Minimum Age Convention, 1973 (No. 138), the competent authority shall determine the activities in which light work is permitted, the CEACR has requested the Government to take measures in respect of this provision. Therefore, the ILO Office recommends issuing this regulation on the definition of light work, alternatively giving at least the basis of this definition in Article 99 of the Labor Code.

With the Law No144 date 2.05.2013 were approved changes to the Albanian Penal Code.

Changes have brought:

- Strengthening of sanctions related to offenses of sexual violence against minors
- In sections 114 and 117 regarding the use of prostitution and pornography, provisions were added when these crimes occur against minors.
- It is reformulated Article 124 / b:

"Physical or psychological maltreatment of minors by parents, sister, brother, grandfather, grandmother, legal guardian or any person who is forced to take care of, shall be punished by imprisonment from three months to two years.

Forcing minors to work, to provide income, to beg or commit acts that harm his development is punishable by up to four years in prison and a fine of fifty thousand to a million ALL, when the act has caused serious damage to health or death of the minor, shall be punished with imprisonment from ten to twenty years"

- The second paragraph of this section is changed by adding new elements to this a criminal act, as well as increasing the amount of punishment specifically as follows:

"Obligation, exploitation, pressure or use minors to work, to provide income, to beg or commit acts that harm his mental development and / or physical, or his education, punishable by two up to five years."

3) GOVERNMENT TASK FORCES OR COMMISSIONS ON CHILD LABOR:

Please respond to gaps in information or areas requiring clarification noted in this section of your country's 2011 TDA profile, and provide any updates for 2012.

- 1. Has the government established any task forces or commissions to coordinate government efforts on issues of worst forms of child labor overall? Has the government established any such bodies to focus on a particular worst form of child labor, such as child trafficking or begging? If any of the above bodies exist, please describe their composition and any activities undertaken in 2012.**

Approval of the Order of the Prime Minister No. 238, dated 11.12.2013 "On establishment of the National Council for the Protection of the Rights of the Child" recomposed due to the new government program, it will coordinate and analyze policies for the protection of the rights of the child, including the child protection policies of the worst forms of child labor. The council is due to be gathered in short time as soon as civil society members are selected.

4) INSTITUTIONS AND MECHANISMS FOR ENFORCEMENT OF LABOR LAWS REGARDING CHILD LABOR AND HAZARDOUS CHILD LABOR:

Please respond to gaps in information or areas requiring clarification noted in this section of your country's 2011 TDA profile, and provide any updates for 2012.

Note: If information about enforcement activities is from a period other than 2012, please indicate the time period to which the data refers. In cases where information is not available, please indicate whether the government does not collect/maintain the information or whether information is maintained but the government does not make it publicly available.

- 1. What agency or agencies was/were responsible for the enforcement of laws relating to hazardous child labor?**

SLISS is the institution in charge of the implementation of legislation for the employment of employees less than 18 years. Labor inspector issues an authorization for this category of employees after making a check of working conditions, labor process, labor relationship, where and how a minor will work. In case of ascertainment of dangerous work, unfavorable conditions, improper relationship, the entity is not allowed to employ minors.

- 2. If multiple agencies were responsible for enforcement, were there mechanisms for coordinating enforcement actions? If yes, please describe the coordination mechanism.**

We do not have data.

3. How many inspectors did the government employ to enforce laws against child labor?

The structure of SLISS currently has 115 inspectors / labour auditors, distributed in 12 Regional branches by Districts. The largest number of inspectors has the Regional Branch of the District of Tirana with 35 inspectors / auditors. All (inspectors / auditors) exercise control even in this area, but we have no specified number of inspectors/ auditors only for the control of implementation of the legislation of children labor.

4. What amount of funding and other resources (office facilities, vehicles, etc.) were provided to agencies responsible for inspections?

For 2013 from the state budget for the Labour Inspection Program there have been provided 156 million ALL.

5. Did inspectors receive training on hazardous child labor? Please describe.

Trainings were conducted in 12 Regional Branches by Districts with a joint project with IOM and the OSCE during 2012 and 2013, respectively, in two training cycles.

The first cycle consisted on the implementation of the standard procedures of operations / action in case of finding, identifying and prosecution of procedures of potential victims of trafficking and of the victims of trafficking. Child labor especially forced labor of children has been one of the key elements of this training. The second cycle consisted in the attendance for the implementation of the recognition for the use a manual specifically “standard procedures of operation/action” as well as for the recognition for the use of a manual specifically for the inspectors/auditors of work. About 50 inspectors were trained in two stages.

6. How many inspections involving child labor were carried out? Were inspections carried out in sectors in which children work? How many child labor violations were found?

25 subjects were inspected and the following violations were found:

- Employees under 18 years illegal or in other words uninsured and not declared (for 11 children found at work).
- Employees under 18 working more hours than the law allows them (for 15 children found at work).
- Entities that employ employee under 18 years without the authorization of the labor inspector (for 13 children found at work, etc.).

7. Are there systems for referring children found during inspections to appropriate social services? How many children were removed and/or assisted as a result of inspections?

We don't have data.

8. How many penalties or citations for child labor violations were issued?

No penalties were imposed.

9. In cases in which penalties were applied, such as fines, were the fines collected? How are the fines utilized by the Government?

Penalties that may be imposed by labor inspectors are collected in the state budget.

5) INSTITUTIONAL MECHANISMS FOR EFFECTIVE ENFORCEMENT OF CRIMINAL LAWS ON CHILD FORCED LABOR/TRAFFICKING, COMMERCIAL SEXUAL EXPLOITATION AND USE OF CHILDREN IN ILLICIT ACTIVITIES:

Please respond to gaps in information or areas requiring clarification noted in this section of your country's 2011 TDA profile, and provide any updates for 2012.

Note: If information about enforcement activities is from a period other than 2012, please indicate the time period to which the data refers. In cases where information is not available, please indicate whether the government does not collect/maintain the information or whether information is maintained but the government does not make it publicly available.

- 1. What agencies were responsible for enforcement of criminal laws against child forced labor/trafficking, commercial sexual exploitation, and/or use of children in illicit activities? (Please provide separate responses per type of offense as needed.)**
- 2. If multiple agencies were responsible, do they coordinate activities? If yes, please describe the coordination mechanism.**
- 3. How many investigators did the government employ to enforce laws against the worst forms of child labor mentioned above?**
- 4. What amount of funding and other resources (office facilities, vehicles, etc.) were provided to agencies responsible for investigations?**
- 5. Did investigators receive training on the relevant worst forms of child labor named above? Please describe.**
- 6. How many investigations or prosecutions involving any of these worst forms were carried out? Were investigations/prosecutions carried out in areas where such crimes occur? How many violations involving any of the worst forms of child labor were found?**
- 7. Are there systems for referring children found during investigations to appropriate social services? How many children were removed and/or assisted as a result of investigations?**
- 8. How many convictions were reached?**

9. In cases in which convictions were reached, such as jail sentences, were the sentences carried out?

6) GOVERNMENT POLICIES ON CHILD LABOR:

Please respond to gaps in information or areas requiring clarification noted in this section of your country's 2011 TDA profile, and provide any updates for 2012.

1. Did the government have any policies or plans that specifically address child labor or any of its forms? Please describe.

2. If there are such policies or plans, please describe any agencies designated to implement each plan, actions identified within the plan, timelines for implementation, and any other concrete measures. Please provide a copy of such plan(s) if possible.

In support of comprehensive and harmonized policies for the realization of children's rights in the framework of the fulfillment of one of the points of recommendation 11 of the EU, was adopted the Action Plan for Children 2012-2015 (Decision No. 182 dated 13.03.012). The process of drafting the Action Plan has been an inclusive process with the participation of central and local institutions and civil society. It is based on the recommendations of the previous strategy evaluation reports for Children 2005-2010, various studies in the field of children's rights, the European Strategy for Children 2012-2015, The Hague Roadmap for the elimination of child labor, etc.

3. Please describe actions taken under the plan(s) during 2012.

-Action Plan for Children 2012-2015 aims to promote comprehensive, harmonized and coordinated policies of social protection and social inclusion of children and also emphasizes the strengthening of institutional structures set up to monitor and report on implementation of the rights of children at national and regional level.

Objectives and measures of the Action Plan for Children 2012-2015 are grouped according to the rights of the child:

1. The right to protection and social inclusion
2. The right of children to protection from violence, abuse and economic exploitation
3. The right to development and education
4. The right to health care
5. The right to legal protection

2. The right of children to protection from violence, abuse and economic exploitation

Action Plan for Children determines: that local governments should intensify efforts to obtain financial responsibilities, the establishment of new services in line with the dynamics of the needs of children in their communities, the protection of children from violence and the worst forms of child labor.

About the right of children to protection from violence, abuse and economic exploitation, the action plan 2012-2015 aims to achieve strategic objectives:

1. Prevention and protection of children from violence, abuse
2. Protection of children from the worst forms of labor

Strategic Objective 1, "Prevention and protection of children from violence, abuse" is conditioned by the objectives: 1. Registration of all Albanian citizenship children born within and outside the territory of Albania; 2 Establishment and functioning of institutional mechanisms at the local level to protect children and case management of children at risk; 3. The implementation of Combi Program: "For a friendly school positive behavior"; 4. The establishment and consolidation of psychological services in all kindergartens, schools of compulsory education and secondary education; 5. Internet safety for children.

Implementation of the first objective aims registration of all children including those who have remained unregistered for different reasons within deadlines, as a first step to prevent and protect children from all forms of violence, abuse, and neglect.

Objective 2 requires: the establishment of child protection units in each municipality / commune, ranging from the largest municipalities of the country; the adoption and implementation of Decision 265 dated 12.04.2012 " On the establishment and functioning of the coordination mechanism between state authorities for referral of cases of children at risk, and its way of proceeding "; drafting and adoption of the methodology of action of child protection units for handling cases of children at risk; establishment and functioning of interdisciplinary technical teams in the regions, municipalities and communes for case management of children at risk as well as the drafting and adoption of the Status of Social workers.

Implementation of the second objective, needs to prepare regulations for interdisciplinary technical teams in the regions, municipalities and communes for case management of children at risk as well as capacity building of workers for the rights of children at local level, multidisciplinary technical groups in local government units.

Objectives 3 and 4 are focused on the protection of children in education, institutions, schools, kindergartens. Application of COMBI program aims at developing and implementing new ways of discipline in school (MRD) of the children and community mobilization to adhere to these new methods.

The scope of psychological services in all kindergartens and schools in the country, is considered a necessary measure and a constant demand of teaching staff in schools. Increasing the capacity of the school psychologists, drafting of the standards for the quality of the work of psychologists, as well as the establishment of cooperation between the school psychologists and Child Protection Units at the municipality commune/ for case management of children at risk are condition to achieve the objective 4 described above.

Objective 5 " Internet safety for children" is a new objective which connected with the promotion on practices of self-regulation between Internet Providers, institutions and

other actors of industry of communication and awareness campaigns for internet safety to all stakeholders.

Strategic Objective 2, "Protecting children from the worst forms of labor" will be achieved through the following objectives:

1. Strengthen the prevention measures and ensure an effective protection for exploited children in the worst forms of labor;
2. Increase the role of the State Labour Inspectorate for Protection of Children and the improvement of situation of child labor

Objective to strengthen measures to prevent and ensure an effective protection for exploited children in the worst forms of work is connected with changes in the Penal Code, Article 124 / b, ill-treatment or exploitation for begging which affect mental and physical health of the child, and also with awareness campaign against child exploitation. The achievement of the above objectives requires setting cooperation between State Labor Inspectorate with the Child Protection Unit in the municipality / commune; strengthening sanctions against the perpetrators of the worst forms of labor; increasing the capacity of SLI inspectors on child protection for issues of children at risk, new policies for cooperation of local level institutions for managing cases of children at risk, strengthening inspections in order to improve monitoring of children with focus on their health and safety, and improving the legal framework for the health and safety at work of children.

State Agency for Protection of Child Rights is responsible body for monitoring of the objective's of Action Plan and also for the monitoring of the abovementioned objectives.

4. Did the government have poverty reduction, development, educational or other social policies, such as Poverty Reduction Strategy Papers, etc., that did not explicitly address the worst forms of child labor or any one of the worst forms of child labor, but that might have had an impact on them or it? If so, have any studies been conducted to assess the impact of such a policy on the worst forms of child labor?

Reform of the Social Services in Albania 2013 - 2016 addressing children, women and the vulnerable and marginalized families, focusing on the integration of Roma Community, is a program funded by the Swiss Development Cooperation.

The Albanian government has charged UNICEF and the Ministry of Social Welfare and Youth as leaders of this process to support creating a system of integrated social services at the decentralized level.

The overall objective of this program is to ensure that disadvantaged groups, including those in difficult situation, to benefit from functional and stable social service system.

Another policy to reduce the poverty is the modernization of Economic Aid and will start the process of its piloting in January 2014.

The Report Card Child Poverty¹ in Albania represents a comprehensive overview of child well-being in Albania, using data and figures from recent years (2009–2012).

The report aims to contribute to development of regional public welfare policies targeting the best interests of the child. All statistics and data in this report of UNICEF were provided from official administrative records of national, regional and local institutions and elaborated by the Observatory office. The Report Card considers five dimensions of child well-being: material well-being, health and safety, education, behaviors and risks, and housing and environment, supported by analysis of 26 comparable indicators.

Another study is being conducted by UNICEF in collaboration with Save the Children and Arsis which has on its focus, "The Analysis of street situation children in Albania"

The study is aimed at understanding the magnitude of the phenomena of children in street situation in Albania and identifying the elements of the child/family protection system to be reinforced through a qualitative and quantitative analysis. This study has completed the first two phases and it still in process.

5. If there are such policies/plans described in question 4, please describe actions taken under the plan(s) during 2012 and provide a copy of such plan(s) if possible.

7) SOCIAL PROGRAMS TO ELIMINATE OR PREVENT CHILD LABOR:

Please respond to gaps in information or areas requiring clarification noted in this section of your country's 2011 TDA profile, and provide any updates for 2012.

1. Did the government participate in or implement any programs specifically to address child labor in 2012? Please describe types of services provided and number of children served if applicable.

It is being developed a draft Action Plan with measures, tasks and deadlines in the framework of the Initiative "No children in street situations" with cooperation and involvement of Ministry of Social Welfare and Youth, Ministry of Interior, General Directorate of Police and the local structures.

This draft-plan aims to take action / inter-sectorial coordinated intervention for children who are in street situations (often these children are subject to abuse, exploitation, beggary, violence, forced labor, etc.) as well as to have an integrated holistic approach to protecting the best interests of the child.

The initiative is predicted to be in two phases: short-term phase that aimed emergency cases and long-term phase which will ensure long-term continuity of interventions, most complex cases and difficult issues that require long-term interventions.

Also, New Work Protocol for Child Protection Workers for municipality / commune is being prepared, which will serve as a Methodological Guide , which will be specified in detailed ways of following procedures for managing child at risk , defined in Decision

¹ Link: <http://www.observator.org.al/publications-2/>

No. 265 dated 13.04.2012 , thus unifying the manner of functioning of all the CPU in place .

Based on Article 37 of the Law "On the Rights of the Child" State Agency For Protection of Child Rights (SAPCR) has responsibility to implement training activities for public administration, NGO and local actors working for child rights , awareness raising campaigns ect.

During the period November 2012 - May 2013 SAPCR in collaboration with UNICEF has organized trainings in all regions of the country, associated with knowledge, awareness of stakeholders at the local level regarding new national policies for the realization of child rights such as: the Action Plan for Children 2012-2015 , social inclusion policies of vulnerable children, the law 10347, date 4.11.2010 " On the Protection of the Rights of the Child” , and 5 sublegal acts for its implementation.

In all regions were trained 430 persons in total:

-265 representatives of regional institutions , such as the District Department of Public Health , Department of Education Regional , State Social Services , Police Regional Directorate , Regional employments Offices

-90 Child Protection Workers in the municipality/commune.

-75 Representatives from NGOs that provide services to children in the community.

There are needed for more specific trainings.

Pursuant to the law 10347, at local level there are established:

- **Child Rights Units (CRU)**, in every region of the country monitor the implementation of the rights of child in regional level and encourage local authorities in developing local policies suitable for children.
- **Child Protection Units (CPU)**, in 170 municipalities / communes in the country identifies, assesses and manages cases of children in need of protection from violence, abuse and exploitation.

In regions there are established Steering Committees. These committees are chaired by the Mayor of the Regions and members are directors of local institutions such as: Regional Directors of police, social services, health, education, mayors of municipalities and communes, NGO etc.

Child Protection Units in the municipality / commune

Actually there are established **170 Child Protection Units (CPU)** at municipality / commune level.

CPU are established by Order of the Mayor or Municipal/Commune Council Decision. They are part of the municipality/commune administration.

For the period 2012 - April 2013, CPU managed a total of 1,333 cases of children at risk. Of these 293 were new cases.

A new Child Protection Workers Protocol is being prepared, which will serve as a Methodological Guide for CPU. The Protocol will specify the procedures for managing the cases of children at risk, as stated in the DCM No. 265 dated 13.04.2012.

According to the joint Order of 2 Ministers No. 125 dated 08.23.2012 "On protection of rights of children who are exposed to various forms of abuse", all public residential services for children have created necessary environments for emergency cases

Pursuant to this order is drafted an interagency work plan for protection of children in street situations.

2. Did the government address child labor through poverty reduction, development, educational or other social programs, such as conditional cash transfer programs or eligibility for school meals, etc? Please describe. If available, provide information on the impact of such programs on child labor.

-In Article 10 point 4 of the Law no. 9355, dated 10.03.2005 "On Social Assistance and Services", as amended, provides that children of families in need who receive economic aid, as well as orphans who are not placed in institutions, attending compulsory education, according to the Law no. 7952, dated 21.6.1995 "On pre-university education", as amended, receive a cash payment, until the end of compulsory education. Funds are provided from the state budget, the "Social Protection" program.

Law no. 9355, dated. 10.03.2005 "On Social Assistance and Services determines the system for Economic Aid and social care for Albanian citizens, including children without parental care. Law predetermine: structure and typology of social care services, organization, their operation and financing, categories of beneficiaries of institutional services, the criteria to be eligible for benefits, the rules for admission / placement in institutions and relevant documentation, monitoring and evaluation of services.

Law Assistance and Social Services, in its Article 15, provides for the possibility of establishing foster care service. Likewise, the law defines the services to be provided for children in residential institutions. These legal obligations, have found their expression in the regulations that have arisen in its implementation as follows;

1. Approved Decision No. 89 dated 26.01.2012 "On determining the criteria, procedure documentation and foster care service.

This decision is adopted in application of paragraph 4 of Article 18 of Law no. 9355, dated 10.03.2005 " On Social Assistance and Services " as amended, the Social Protection Sectorial Strategy 2008-2013 adopted by the Decision of Council of Ministers DOC no. 80, dated. 28.01.2008, and policies for foster care of children in need, approved by Decision no. 1104 dated 30.07.2008, the Ministry of Labour, Social Affairs and Equal Opportunities.

This document constitutes a challenge for promotion of foster care as a new

alternative in family services. Foster care services based on the decentralization process, deinstitutionalization and community services building, where the child is supported and assisted in a family environment. This is why the Ministry of Labour, Social Affairs and Equal Opportunities adopted the standards of foster care service after the service is special not only because children are a more sensitive group that needs special support and services, but this new service interest requires a large number of actors from the local government, community and civil society as well as the rules required for this service should be strictly accurate.

Custody as social alternative service for children in need provides;

- Continuity of upbringing for children in difficulty in a family environment through a surrogate family where children feel surrounded by attention and foster care.
- Development and care for children in difficulty according to age, individual needs and foster care standard services.
- Socialization and reintegration of the child with the biological family through relatives, adoptive family and community
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The Ministry of Labour, Social Affairs and Equal Opportunities (Today Ministry of Social Welfare and Youth) in the first implementation of this decision has drafted Instruction no. 6 dated 01.08.2012, "On the implementation of DoM. 89, dated 26.01.2012 "To determine the criteria, documentation and foster care procedures" which will be piloted initially in the region of Shkodra and Tirana for 80 children who have passed under court custody service. The directive helps the administration of local government units for the procedures to be followed step by step in the implementation of Decision No. 89 dated 26.01.2012 which will be piloted initially in the region of Shkodra and Tirana District for 80 children who by court passed under the foster care service.

-The approval and implementation in continuity of Decision No. 425 dated on 27.06.2012 "On the application of criteria and documentation necessary for admission of people in residential, public and private social care" provides support for orphan children who were in state care:

The legislative changes in the educational cycle below demanded harmonization of legislation on social protection programs:

In application of point 2 "Elementary education is composed of six classes, from first grade to sixth grade. Secondary education is composed of three classes, from grade seventh grade to ninth grade ", chapter III, article 22 of the Law no. 69/2012 "On Secondary Education in the Republic of Albania", which consequently are including children who are accommodated in residential social care the age group 6-15 years, to ensure the continuity of lower secondary education from seventh grade to ninth grade.

Pursuant to article 32, chapter III of Law no. 10347, dated on 04.11.2010 "On the Protection of the rights of children", was adopted Decision No. 266 dated on 12.04.2012

"On the coordination mechanisms of the activity on the central and local level for issues related to the protection of children's rights" , therefore Children Protection Units have the right to refer children in social care institutions.

For the above was adopted Council of Ministers Decision No. 425 dated on 27.06.2012 "On the determination of the necessary documentation criteria for admission of people in the public institutions and non-residential social care" where in the letter c) of section 1.3 of chapter I, of which reads: "6-16 years of age are placed in the homes of of school age children."

Also in the this DCM in the point 1.3.1. on the first Chapter said "In case of orphaned children, they stay in these institutions until the age 18 years", and section 1.4. on the heading reads: "orphaned children who have completed the compulsory 9-years old and want to continue to secondary education, should be placed in institutions that have their dormitories system", aiming to guarantee dormitories food, security and health, because these structures are managed by LGUs.

Were the programs targeted to the children at greatest risk of involvement in child labor? Which children?

Please refer to the response of Question 1, sector 7 "Social programs to eliminate or prevent child labor".

3. Did the government provide funding to the programs described above? If so, please provide the amount and duration of funding. Or, if the government provided in-kind support, please describe the nature of the support.

B: QUESTIONS

Questions regarding this information request may be directed to Tina McCarter at (202) 693-4846 or mccarter.tina@dol.gov or Karrie Peterson at (202) 693-4897 or Peterson.Karrie.M@dol.gov**SECTION II: CHILD LABOR AND FORCED LABOR IN THE PRODUCTION OF GOODS**

This request for information will contribute to USDOL's periodic updates to the **Trafficking Victims Protection Reauthorization Act (TVPRA) and Executive Order (EO) 13126 Lists**. We seek your response to the following questions for the period January 2007 to the present.

A: INFORMATION REQUESTED

1) EVIDENCE OF CHILD LABOR, FORCED ADULT LABOR, OR FORCED CHILD LABOR IN THE PRODUCTION OF GOODS:

1. USDOL seeks any comments or new information on goods that appear on the current TVPRA and EO Lists. Please view these reports at: <http://www.dol.gov/ILAB/programs/ocft/tvpra.htm> (TVPRA) and <http://www.dol.gov/ILAB/regs/eo13126/main.htm> (EO).

2. USDOL also seeks information on other goods that may be produced with child labor, forced adult labor, or forced child labor.

- For each good please specify whether child labor, forced adult labor, or forced child labor is occurring.
- For each good, please explain the nature of the exploitation. Please describe the conditions of employment and/or causes of these problems.
- For each good, please provide any supporting evidence to demonstrate the occurrence or prevalence of child labor, forced labor, or forced child labor

2) HOST GOVERNMENT/AUTHORITIES, INDUSTRY, OR NGO EFFORTS SPECIFICALLY TO COMBAT EXPLOITATIVE CHILD LABOR OR FORCED LABOR OF ADULTS OR CHILDREN IN THE PRODUCTION OF THE GOOD:

1. Have any efforts been undertaken by your government, private industry, or civil society groups to address problems of child labor, forced adult labor, or forced child labor in the specific industries in which they occur? Please describe.
2. Have these efforts been proven to *significantly reduce if not eliminate* forced or child labor in the production of the particular good in question?
3. Please provide any supporting evidence to demonstrate that the reduction or elimination has taken place.

[**PLEASE NOTE:** USDOL has established the following standard of evidence that child labor or forced labor has been “significantly reduced if not eliminated” through the December 15, 2010 Initial Determination to remove Charcoal from Brazil from the EO List of products made with forced or indentured child labor:

Charcoal from Brazil was removed from the EO List in the “final determination” published on May 31, 2011 but was proposed for removal in the “initial determination” published on December 15, 2010 and open for public comment through February 15, 2011. In the course of its research in 2010, USDOL received recent, credible, and appropriately corroborated information from various sources pointing to a significant reduction of this problem. The key documentation included the following:

- Government of Brazil (GOB) enforcement data: From 2007-2010, the Government had conducted 1,924 labor inspections in 23 states and found no child under 18 working under forced labor conditions in charcoal production.
- Corroboration of the validity and reliability of the GOB data from independent local and international organizations.
- Independent civil society data: Two NGOs provided their own charcoal industry monitoring data, which shows a very significant reduction in forced child labor in recent years.
- Comprehensive GOB approach: the GOB has strong laws and policies on child and forced labor; specialized mechanisms in place to enforce these labor laws, even in remote areas; significant resources dedicated to these enforcement efforts; meaningful victim services; openness and transparency with enforcement data; and free public dissemination of civil society data. All of these factors help to

ensure that the changes are systemic and sustainable, and will deter forced child labor from occurring again in the future.]

B: QUESTIONS

Questions regarding the TVPRA List/EO List request for information may be directed to Leyla Strotkamp at (202) 693-4813 or Strotkamp.Leyla@dol.gov, or Austin Pedersen at (202) 693-4867 or Pedersen.Austin.M@dol.gov.

SECTION III: DEFINITIONS

CHILD LABOR

WORST FORMS OF CHILD LABOR: As established in the conference report accompanying the TDA of 2000 and as originally established in ILO Convention 182, the worst forms of child labor comprise:

- (A) All forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom, and forced or compulsory labor, including forced or compulsory recruitment of children for use in armed conflict;
- (B) The use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- (C) The use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in relevant international treaties; or
- (D) Any work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

[**PLEASE NOTE:** The final category of the worst forms of child labor (D), is commonly referred to as “hazardous child labor.” Individual countries/territories have the responsibility to define what additional work activities beyond those covered in A through C, are likely to harm children and be considered hazardous.]

INTERNATIONAL STANDARDS RELEVANT TO CHILD LABOR

For the full text of ILO Convention 182, see <http://www.ilo.org/ilolex/english/convdisp1.htm>; for Recommendation 190, which accompanies the Convention, see <http://www.ilo.org/ilolex/english/recdisp1.htm>.

In addition, ILO Convention 138 sets standards for the minimum age for admission to employment and the minimum age for hazardous work. For the full text of this Convention, see <http://www.ilo.org/ilolex/cgi-lex/convde.pl?C138>.

FORCED LABOR

For the purpose of these requests, the term "forced labor" closely follows the definition in ILO Convention 29: "All work or service which is exacted from any person under the menace of any penalty for its nonperformance and for which the worker does not offer

himself voluntarily, and includes indentured labor." It also includes forced labor as defined under the Trafficking Victims Protection Act (TVPA) of 2000, as amended, to constitute work provided or obtained by force, fraud, or coercion, including: (1) By threats of serious harm to, or physical restraint against any person; (2) by means of any scheme, plan, or pattern intended to cause the person to believe that, if the person did not perform such labor or services, that person or another person would suffer serious harm or physical restraint; or (3) by means of the abuse or threatened abuse of law or the legal process.

FORCED OR INDENTURED CHILD LABOR: All work or service (1) exacted from any person under the age of 18 under the menace of any penalty for its nonperformance and for which the worker does not offer himself voluntarily; or (2) performed by any person under the age of 18 pursuant to a contract the enforcement of which can be accomplished by process or penalties.

INTERNATIONAL STANDARDS RELEVANT TO FORCED LABOR

For the full text of ILO Convention 29, see <http://www.ilo.org/ilolex/cgi-lex/convde.pl?C029>.

In addition, ILO Convention 105 commits signatories to “suppress and not make use of any form of forced or compulsory labor—

- (A) as a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system;
- (B) as a method of mobilising and using labour for purposes of economic development;
- (C) as a means of labour discipline;
- (D) as a punishment for having participated in strikes;
- (E) as a means of racial, social, national or religious discrimination.”

For the full text of this Convention, see <http://www.ilo.org/ilolex/cgi-lex/convde.pl?C105>.

GOOD OR PRODUCT

For the purpose of these requests, goods/products means goods, wares, articles, materials, items, supplies, and merchandise. A good can be a raw material (e.g., iron ore), a commodity (e.g., soybeans), a component (e.g., car parts), or a finished product (e.g., the car). USDOL is interested not only in goods produced for export, but also in goods extracted/produced for domestic consumption.